Remarks

This paper is responsive to the Office Action mailed on February 28, 2007, in the above-captioned application. In response to the Office Action, which has been carefully reviewed, claim 1 has been amended. No new matter has been added. In view of the amendments and the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

§ 102 Rejection

Claims 1 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,956,658 ("McMahon"). McMahon describes a portable data collection system in which a grouping of machines to be surveyed is downloaded from a central computer 24 to a handheld data collector 22 using a hardwired serial link or data card. Each machine in the group has an associated list of points corresponding to measurements to be taken for the machine. The grouping of machines is "not ordered in a predetermined selection or measurement sequence" such that the user is able "to create the sequence of measurements 'live', that is on tour or during the route." McMahon at col. 2, lines 54-62. The McMahon system is designed to overcome the prior art problem of having a fixed order of machines to be measured by enabling the user of the data collector 22 to select the order of the machines in the grouping in any desired order to facilitate collection of measurements for the machines. *See, e.g.,* McMahon at col. 2, lines 34-51 and col. 6, lines 5-11. The McMahon data collector 22 enables the user to skip machines or measurements (col. 6, lines 33-34) and add new measurement points for a specific machine (col. 13, lines 1-16).

However, McMahon does not teach or suggest the recited server that exports to a mobile survey device a survey process comprising a plurality of steps required to complete a survey of the site as recited in amended claim 1. McMahon teaches only exportation of a grouping of machines for which measurements are to be collected to data collector 22. No survey process comprising a plurality of steps required to survey the site is provided to the data collector 22. This is because the McMahon system is concerned with obtaining measurement for a selected grouping of machines at a plant, while the present invention is concerned with gathering information about the equipment in addition to specific measurements of the machine functions, such as the arrangement or location of the equipment at the site. Thus, the present invention includes a server that exports a survey process including steps needed to complete a survey of the site, not merely a list of machines and measurement points in random order as described in McMahon.

Moreover, the grouping or list of machines provided to the data collector 22 by the central computer 24 in McMahon is not a survey process as recited in amended claim 1 because is not intended to represent a process to guide the user:

> "It will be understood that the points which make up the measurement set are transferred in an arbitrary, for example random, alphabetical or numerical order. *It should also be clearly understood that there is no predetermined schedule or order transferred with the measurement points* as when they are received by the hand-held data collector 22 the user is free to group or create an order in which the data is collected. *Points within a machine are grouped together but the order in which the machines is* (sic) *transferred is unimportant.*" McMahon at col. 6, lines 5-11 (emphasis added).

Therefore, McMahon does not teach or suggest a server that exports a survey process as recited in amended claim 1.

Additionally, McMahon fails to teach or suggest display of the survey process discussed above by the mobile survey device. McMahon's data collector 22 displays only the arbitrarily ordered grouping or list of machines to be measured, which can then be reordered as desired by the user. *See, e.g.*, McMahon Figs. 8a and 8b. Thus, McMahon does not teach or suggest a mobile survey device that displays the survey process to guide a user in collecting the information to complete the survey of the site as recited in amended claim 1.

For these reasons, amended claim 1 is believed to be patentable over McMahon.

Claim 6 depends from amended claim 1 and is believed to be patentable over McMahon for at least those reasons set forth above with respect to amended claim 1.

§ 103 Rejection

Claims 1 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scribner in view of U.S. Patent No. 6,298,333 ("Manzi").

Scribner describes a method of collecting and using data associated with tagged objects, while Manzi describes a use tax optimization system to determine the correct use tax on movable equipment.

However, the asserted combination of Scribner and Manzi does not teach or suggest the present invention as recited in amended claim 1 for the following reasons.

First, Scribner does not teach or suggest the claimed combination of components. For example, the Examiner apparently asserts that the programmable location tag (e.g., 12, 14, 16 and 18 in Fig. 1) for a location constitutes both the first database and the server described in amended claim 1. Specifically, the Examiner refers to step 212 in Scribner as "loading equipment data into a server and a collection device 108." Office Action at page 4, ¶ 9. In the Scribner patent, however, in step 212 "the master association contained in the location tag is loaded into the memory of the portable computer or collection device 108." Col. 6, lines 35-39. Since there are only two devices involved in step 212, a location tag and a portable device 108, it is assumed that the Examiner considers the programmable location tag to constitute both the claimed first database and the server.

However, since the location tag is simply a programmable storage device, while it arguably may be comparable to the claimed first database, it is not comparable to the server. The location tag does not "include[e] software for importing the legacy data into a specified data structure and for exporting the specified data structure and a survey process" as specifically recited in amended claim 1. In contrast to the claimed server, each location tag is a passive storage device that is read and (optionally) programmed by the portable data collector 108. See, e.g., Scribner at col. 4, lines 40-45. Thus, the location tag used in Scribner does not anticipate the server recited in amended claim 1, and certainly does not anticipate the claimed combination of a database and a server.

Additionally, the claimed first database and server would not be an obvious modification of the system described in Scribner because Scribner teaches away from such a system: "In contrast to a centralized database in which all information resides in a central computer, the inventive method distributes the information (contained in the location tags) throughout the building, where the information is less apt to be destroyed or tampered with." Scribner at col. 3, lines 36-41.

So, for example, while Manzi describes the use of a centralized server and database (see, e.g., Manzi Fig. 1), Scribner expressly rejects the use of such a configuration. Therefore, amended claim 1 is believed to be patentable over the asserted combination of references.

For these reasons, amended claim 1 is believed to be patentable over the applied combination of references.

Claim 6 depends from amended claim 1 and is believed to be patentable over the asserted combination of Scribner and Manzi for at least those reasons set forth above with respect to amended claim 1.

Conclusion

This response should be entered pursuant to 37 C.F.R. §1.116 because it presents the rejected claims in better form for consideration on appeal. Moreover, the amendments and remarks herein could not be earlier presented because the Examiner did not identify or apply the McMahon reference prior to the Office Action mailed February 28, 2007.

If any issues or concerns remain after consideration of this response, Applicants respectfully request that the Examiner contact the undersigned representative at 612-492-6858 to schedule a telephone or in-person interview in the near future.

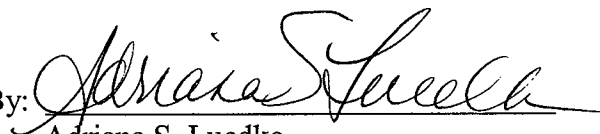The application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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Date: 6/28/07

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